IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.65 OF 2005

Mrs.Sheetal Shivaji Jadhav ..Petitioner.

Vs.

Shivaji Rajaram Jadhav ..Respondent.

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Mr.Rajesh Kachre h/f Mr.S.M.Suryawanshi for the Petitioner.

Mr.S.R.Page for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

23rd December, 2005.

P.C. :

The parties in these proceedings were married on 20th December, 1996. The Petitioner thereafter resided at village Wakurde in Taluka Shirala, District Sangli. There were matrimonial disputes between the parties and it is the case of the Petitioner that she was compelled to leave the matrimonial home in February 2004. The Respondent

has instituted a petition for divorce being M.J.Petition 1101 of 2004 before the Family Court at Mumbai. This application has been filed for a transfer of the proceedings to the Court of the Civil Judge, Senior Division, Islampur, District Sangli. It has not been disputed on behalf of the Respondent that the Respondent has a family home at Islampur where his parents reside. In paragraph II(c) of the Application it has been averred that the Petitioner is now residing with her parents at Nathawade, Taluka Shirala. The parents of the Petitioner are illiterate and carry on agricultural work. The Petitioner has stated that she finds it impossible to commute over a distance of 450 km. to Mumbai which requires a journey of 12 hours. This would entail an overnight stay. There is no member in her family who can accompany the Applicant for the Court dates at Mumbai. She has two younger brothers who are pursuing their education in village. The Applicant has averred that financially as well as physically it is not possible to defend the proceedings at Mumbai. Having regard to these averments to which there is no reply, I am of the view that a case for the transfer of the proceedings has been made out. The

Misc. Civil Application is accordingly made absolute in terms of prayer clause (a).